

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**SANDRO DI GIOVANNI, BRIAND OAKS,  
DONALD WALLACE, JR., CHADWICK  
WALLACE, SEAN CUFFE, MELISSA  
KERRY, HENRY KIBIT, III, and  
JONATHAN WEIR,**

No. CV 09-314-PK

OPINION & ORDER

Plaintiffs,

v.

**ALU, INC., and PAUL WAGNER,**

Defendants.

**MOSMAN, J.,**

On July 28, 2010, Magistrate Judge Papak issued Findings and Recommendation ("F&R") (#59) in the above-captioned case recommending that I grant plaintiffs' Motion for Attorney Fees (#51), grant plaintiffs' request for reimbursement of costs (#53), and order defendants to pay attorney fees in the amount of \$56,105.13 and costs in the amount of \$609.00. No objections to the F&R were filed.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination of those portions of the report or specified findings or

recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Papak's recommendation, and I ADOPT the F&R (#59) as my own opinion. Plaintiffs' Motion for Attorney Fees (#51) is GRANTED IN PART, plaintiffs' Bill of Costs (#53) is GRANTED, and defendant is HEREBY ORDERED to pay plaintiffs' attorney fees in the amount of \$56,105.13 and costs in the amount of \$609.00

DATED this 24th day of August, 2010.

/s/ Michael W. Mosman  
MICHAEL W. MOSMAN  
United States District Court